

INSPECTIONS

5477

(No. 3 June 1991)

The region chief will have inspections made of each area for which TCPs have been issued. Such inspections will be made at not more than 18-month intervals from date of issuance until conversion has been completed. The purpose of the inspections will be to determine that the timberland owner has not allowed the 18-month period called for on the permit to lapse without significant work toward completion in accord with the conversion plan. Special brief reports of inspection will be submitted to the Director on the progress of the conversion effort. If no significant work has been done, the region chief will submit to the Director a full report of the facts and a recommendation whether the permit should be suspended, revoked, or continued. Copies of the inspection reports will be sent to the Director's office.

FINAL INSPECTIONS

5477.1

(No. 3 June 1991)

Final inspections of conversions will be made as soon after expiration/termination as possible but not more than one year thereafter. Final Report of Field Examination/Expired Timberland Conversion Permit will be prepared and sent to the Director's office. If the project has been abandoned or partially completed, the inspector must evaluate the extent to which satisfactory stocking exists and includes in the report a recommendation for appropriate corrective or other enforcement action. The inspector must also determine if there is a continuing intent to complete the conversion. When positive intent is evident, the landowner should be informed that a new conversion permit would be needed if further timber harvesting were planned. When such intent is not apparent, the initial harvesting plan may be treated as though a conversion permit never existed. That is, if five years have elapsed since the termination of the THP, the department may require that the stocking requirements of the FPA be satisfied. In this situation, a recommended prescription for corrective action will be needed as in any other forest practice case.

It is important that the final report is kept current (within one year) with each permit expiration because of the three-year statute of limitations for corrective action (CCP § 338). Corrective action is barred more than three years after the date of permit expiration.

At the end of each year, as a convenient reference and reminder, the Sacramento office will send each region a list of terminated permits that are still within the three-year limitation period and for which final reports have not been received.

Under a TCP, the owner may have trees cut and removed regardless of diameter, seed trees, or stocking requirements of the FPA and rules, but the other requirements of the act, rules, and board regulations must be observed. Timber operations on conversion areas are subject to the usual inspections for compliance with fire laws and with the requirements of applicable FPA and rules. Enforcement action for violation of applicable laws and rules or obvious circumvention of the FPA and rules will be the same as for any other timber operation.

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